

# **CENTRAL VALLEY FLOOD PROTECTION BOARD EXECUTIVE OFFICER'S REPORT**

**March 29, 2019**



---

## **OPERATIONS BRANCH Status Report and Work Activities**

### **Enforcement Section**

#### **1. CVFPB Enforcement Program**

Staff continues to process encroachment cases by Notices to Comply (NTC) or Notices of Violation (NOV). Status (since last month's report):

- Case being investigated for appropriate action: 38
- NTC/NOV being drafted for management review: 4
- NTC/NOV currently under management review: 4
- NTC/NOV mailed to landowner/responsible party: 1
- Working with landowner/responsible party to resolve encroachment issue (new and continued cases): 47
- Based on enforcement case, permit applications received: 2
- Cease & Desist Order being prepared: 0
- Cease & Desist Order mailed/ CVFPB meeting scheduled: 0
- Notice to Proceed issued: 2
- Enforcement cases closed: 11

#### **2. Local Maintaining Agency Coordination**

Staff continues to coordinate with Local Maintaining Agencies (LMA) as more elect to participate in U.S. Army Corps of Engineers (USACE) System-Wide Improvement Framework (SWIF) program to regain eligibility for the federal Public Law (PL) 84-99 Program. A Letter of Intent (LOI) prepared by the LMA precedes the SWIF reports. Because USACE evaluates federal levees by system, it is possible for multiple LMAs to participate in the SWIF program together if their levees are part of the same system.

- **SWIF reports**
  - No new updates this month.
- **LOI reports**
  - No new updates this month.

### **3. PL 84-99 Rehabilitation Assistance Status**

LMAs that are active in the PL 84-99 Program may request repair of flood risk reduction projects that were damaged due to flooding between January and March 2017. Rehabilitation assistance is being provided by USACE only when work is economically justifiable, the damage was sustained during the 2017 flood events, and the estimated cost of repairs is over \$15,000.

- There are 25 scheduled PL84-99 repair sites for 2019:
  - 13 are schedule for first and second quarter
  - 12 are scheduled for the third and fourth quarter
- Staff continues to participate in weekly PL 84-99 coordination calls with USACE and the Department of Water Resources (DWR).

### **4. 2017 Storm Damage DWR Rehabilitation**

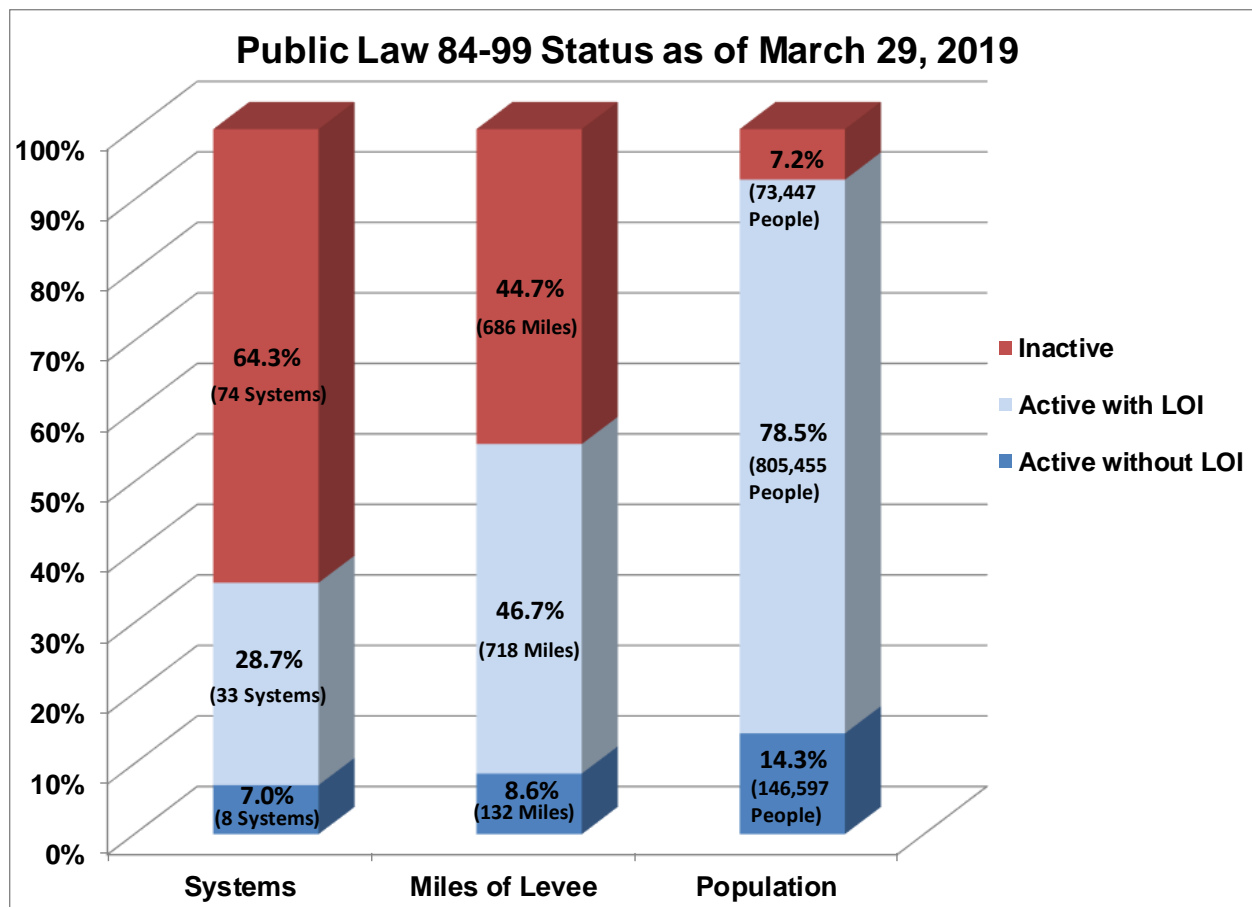
DWR is prioritizing identified damage sites that have not been approved by USACE because the damage site(s) or the levee system does not meet USACE criteria. CVFPB staff is assisting with site inspections and priority review.

- In 2017 and 2018, DWR has repaired the sites evaluated as “critical”. In 2019, DWR intends to repair 28 sites evaluated as “serious” sites.

### **5. PL 84-99 Levee System Status**

The data and chart below represent the most updated information about PL 84-99 Program eligibility as of March 29, 2019:

- Systems: 64.3% Inactive, 7.0% Active w/ out Letter of Intent (LOI), 28.7% Active w/ LOI
- Levee Miles: 44.7% Inactive, 8.6% Active w/ out LOI, 46.7% Active w/ LOI
- Population: 7.2% Inactive, 14.3% Active w/ out LOI, 78.5% Active w/ LOI



## 6. Staff News

No new updates this month.

## Permitting Section

### 1. Coordination Meetings

Staff participates in monthly coordination meetings with representatives from DWR's Inspection Section and the USACE Levees and Channels Branch (Section 408). The meetings focus on USACE inspections/re-inspections/levee screenings and CVFPB encroachment updates. DWR inspectors bring on-the-ground insight to the discussion. A brief overview of the items related to the Permitting Section are presented below.

- The Flood Operations Center was activated on a few occasions during the recent February and March storms. Overall there have been no major issues but numerous reports were received on erosion, levee sloughing, and boils with the

worst of it being in Cache Creek. No requests for PL 84-99 assistance have been received to date.

- USACE staff will perform a routine inspection of Reclamation District No. 17 and Kings River this April.
- DWR has started the lining of drainage pipes within Putah Creek as part of the Deferred Maintenance Project. Documentation of this work will be saved in the project files for each pipe.

## **2. Outreach**

- Staff met with representatives from SAFCA and the Water Forum on March 8<sup>th</sup> to discuss proposed restoration in the American River.
- Staff and USACE 408 staff held a workshop on March 14<sup>th</sup> to further discuss the Categorical Permission categories that were recently approved by the USACE Sacramento District.

## **3. Staff News**

As of March 4<sup>th</sup>, the Operations Branch, which includes the Permitting Section, Enforcement Section and the Inspection Section, has moved to the Annex Building east of the Joint Operations Center in Room 175.

## **4. Permitting Status Overview**

The table below provides a general overview of the number of applications being reviewed by staff and where the applications are in the review process. The numbers in the table show the review activity that occurred during the month of February 2019. Including the 6 new applications received in February 2019, there are a total of 72 applications currently being reviewed by staff.

**Table 1: Encroachment Permit Application Summary**

<b>Application Review Activity Summary</b>	<b>February 2019</b>
Applications Received	6
Scheduled as an EO Delegated Permit	8
Scheduled for Consent Calendar	4
Scheduled as a Hearing	1
Incomplete Letters Sent	3
Applications Withdrawn	0
USACE Application Transmittals Sent	6
USACE 30-Day Incomplete Letters Received	3
USACE Permission Letters Received	4
Permits Conditionally Approved by CVFPB	0
Permits Issued	13

As noted in the table above there were 8 applications scheduled as Executive Officer (EO) delegated permits in February 2019. Information related to EO delegated permits is required to be posted on the CVFPB's website for 30 days prior to decision and permit issuance per CCR, Title 23, Division 1, Section 5. Staff completed the review of 9 EO delegated permits in February 2019 and those projects were posted to CVFPB's website the first week of March 2019. Additional information about Executive Officer Delegated Permits can be viewed on the CVFPB website@: <http://cvfpb.ca.gov/permitting/delegated-permits/>

## **Inspection Section**

### **1. Staff News**

- At the all-staff meeting, Inspection Section staff and Administration Branch staff presented the new Code of Safe Work Practices standards which updates and standardizes hazard identification and mitigation across state agencies. The major program elements include a pre-work safety plan for complex projects, a job hazard analysis form, and standard procedure guides

for handling routine, known hazards.

## **2. Coordination**

- On March 4, 2019, staff facilitated the monthly coordination meeting with USACE Levees and Channels (Section 408) staff, DWR-Flood Maintenance Office, and DWR-Inspections Section. USACE discussed Systemwide Improvement Framework (SWIF) strategies and risks, and updates to other ongoing efforts were discussed.
- On March 7, 2019, the section chief attended and reported updates to the Local Maintaining Agency (LMA) Coordination Meeting. Reported updates included Title 23, Article 8 revisions being released for public comment, USACE planned routine inspection schedule, and permitting activities associated with the Deferred Maintenance Project repairs occurring on Putah Creek and Willow Slough.
- Staff is coordinating with DWR's Flood Project Inspection Section and California Data Exchange Center staff to appropriately update the State's Levee Log database system to document updates to permitted or system features due to repair, construction, or removal. This effort is in support of tracking system features that may be removed from Automatic Board Order descriptions.

## **3. Permit and Inspection Fee Implementation**

- The Economic and Fiscal Impact Statement received approval from the Department of Finance (DOF). Staff is preparing the final rulemaking package to the Office of Administrative Law for final review and filing with the Secretary of State to be codified in the California Code of Regulations.

## **4. Automatic Board Order Updates**

- Since the approval of Resolution 2019-04 at the February 22, 2019 CVFPB meeting, staff has been evaluating the Automatic Board Orders (ABOs) that contain pipes that are scheduled for repair through the Deferred Maintenance Project on Putah Creek and Willow Slough. Staff is inventorying each encroachment and evaluating the action to be taken, whether it is to re-issue a permit, remove the encroachment from the ABO and track as a system feature in the levee logs, or begin an enforcement case. Staff will be beginning outreach to the appropriate parties in the following months to begin the process of re-issuing permits for eligible encroachments in accordance with Title 23.